

February 24, 2009

California Regional Quality Control Board  
Lohontan Region  
2501 Lake-Tahoe Blvd.  
South Lake Tahoe, CA 96150

HJS  
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OE

RE: Hearing: Consideration Of An Administrative Civil Liability Order For  
Kang Property Inc., and Sarbjit Kang, El Dorado County

This letter is being submitted as a written non-evidentiary policy statement from  
SAA Sierra Programs, LLC as an interested party in this proceeding.

#### Summary

Kang Property has failed to meet its obligations under 2005 and 2007 orders from Lahontan to take action with regard to a drinking water well at 883 Eloise Avenue in South Lake Tahoe. This well is located within the area of contaminant releases from the nearby Swiss Mart gas station owned by Kang. Kang Property has been unresponsive to Lahontan instructions to remove a water filter at the well site and provide an alternate water supply for the property at 883 Eloise avenue.

Mr. Kang's failure to meet his legal obligations and his failure to function as a responsible business owner and citizen has resulted in unnecessary cost to our business and created a potential risk of exposure to contaminants released from his Swiss Mart property.

We recognize that the impact on our business is relatively small in comparison to Kang's overall financial and environmental impact on the state and the local community. However, any assistance or guidance that Lahontan could provide to induce Mr. Kang to meet his obligations to SAA Sierra Programs would be appreciated.

#### Background:

SAA Sierra Programs LLC owns a house at 883 Eloise Avenue where it maintains an administrative office. Water is supplied to this house by a drinking water well that is located on the property and is within the area affected by groundwater contaminants released from the nearby Swiss Mart gas station.

In 2001 the Lohontan Regional Board issued an order for Kang Property to install a water filter for the 883 Eloise well, which was done. The filter, a substantial

piece of apparatus considerably larger than a 50-gallon drum, was plumbed in with a series of pipes immediately next to an existing pressure-regulating tank located a few feet from the wellhead in the garage at 883 Eloise. The garage is unheated and a protective insulating structure that is built around the pressure tank had to be expanded to include the filter tank and its plumbing.

In 2005 Lohantan instructed Kang Property to remove the filter because at that time it was determined that contaminants from Swiss Mart were no longer reaching our well. When we received notice of this, the tank was taken off-line awaiting removal by Kang. The tank was not removed.

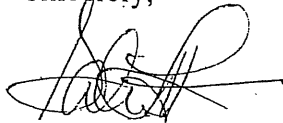
On December 19, 2007 Lahontan issued a new cleanup and abatement order to Kang, this time requiring that Kang provide an alternate water supply for 883 Eloise Avenue. An alternate water supply was not provided.

#### Current Status

Kang as yet has not removed the filter tank that was supposed to be removed in 2005. The tank remains off-line taking up space in the garage. Removal and disposal of the filter tank and its associated plumbing would cost at least several hundred dollars if we had to do this on our own.

Kang also has not contacted us to arrange for an alternate water supply as was required in December 2007. We have made our own arrangements for a water delivery service to provide drinking water at 883 Eloise, at a total cost of \$298 since December 2007. We have also had to incur the cost of installing and maintaining in-line domestic water filtration inside the house at 883 Eloise.

Sincerely,



Gabe Litvin, Administrative Manager  
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cc: Dave Bunnett, Chief Operating Officer, SAA Sierra Programs LLC

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